

### REMARKS

Claims 1-11 and 30-41 are currently pending in the subject application and are presently under consideration. Claims 1-11 and 30-41 have been cancelled and new claims 42-64 have been added as shown on pp. 4-9 of the Reply. In addition, the specification has been amended as indicated on pp. 2 and 3.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-8, 11, 30, 31, 34, and 36 Under 35 U.S.C. §102(b)**

Claims 1-8, 11, 30, 31, 34, and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Matsuyama et al. (US 2002/0026581 A1 - hereinafter Matsuyama). It is respectfully requested that this rejection be withdrawn for at least the following reason. Claims 1-11 and 30-41 have been cancelled, and, accordingly this rejection is moot. However, in regard to the newly added claims, Matsuyama does not disclose each and every aspect of the claimed subject matter.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every* limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The present application describes systems and methods to facilitate secure access of automation devices and confirmation of the identity of a device communicating with a second device. A digital certificate or other means of identification can be assigned to a user/entity to prevent unauthorized access of an automation device. Further, digital certificates can be assigned to an automation device along with public/private digital keys. The approach of combining private and public keys with a device identifying certificate can ensure verification of an automation device and any messages originated by the automation device.

New independent claim 42 recites in part:...*a certification component that generates*

*certificates for a specific automation device, the automation device controls an industrial process; and an access component that establishes rules of use for the automation device based on at least one of the identification of an entity wanting to access the automation device.*

Matsuyama fails to disclose such distinctive aspects of the claimed subject matter.

Matsuyama relates to the creation of an identification certificate (IDC), by a identification authority (IDA), to identify individuals thereby allowing an individual to be identified with a device (*e.g.*, operating a computer) and, once identified, forwarding information to the user at that device. However, the method of Matsuyama is focused on identifying a user and thereby allow communication specific to the user regardless of what device the user may be using. This is contrary to the claimed subject matter where certificates are created by a certification component for a *specific automation device*, where *the automation device controls an industrial process*. If the claimed subject matter was applied to Matsuyama, it is the device (*e.g.*, the computer) that the user is operating that is having the certificate assigned to, not the user. Newly added independent claims 53 and 60 recite similar aspects to those recited in independent claim 42.

In view of the at least the foregoing, it is respectfully submitted that Matsuyama fails to disclose each and every aspect of the claimed subject matter as recited in independent claims 42, 53, and 60 (and claims 43-52, 54-59, and 61-64 which depend respectively therefrom). Accordingly, withdrawal of this rejection is respectfully requested.

## **II. Rejection of Claims 9 and 10 Under 35 U.S.C. §103(a)**

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuyama et al. (US 2002/0026581 A1) and further in view of Asunmaa (US 2003/0172090 A1). Claims 1-11 and 30-41 have been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

## **III. Rejection of Claims 32 and 33 Under 35 U.S.C. §103(a)**

Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuyama et al. (US 2002/0026581 A1) and further in view of Forth (US 2002/0120521 A1). Claims 1-11 and 30-41 have been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claim 35 Under 35 U.S.C. §103(a)**

Claim 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuyama et al. (US 2002/0026581 A1) and further in view of Meffert (US 2002/0059144 A1). Claims 1-11 and 30-41 have been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claims 37-41 Under 35 U.S.C. §103(a)**

Claims 37-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuyama et al. (US 2002/0026581 A1) in view of Stefik (US 6,959,290) and further in view of Forth (US 2002/0120521 A1). Claims 1-11 and 30-41 have been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
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